

Remarks

The applicant wishes to thank the Examiner for his assistance in a telephonic interview on April 7, 2006 with applicant's representative in which the election of species requirement was discussed. Applicant pointed out that the case shown in Figs. 1, 2, 4 and 5 and the tray identified as species 4 or species 6, for example, are part of the same invention as evidenced by the drawings and claim 1. Accordingly, agreement was reached that applicant was entitled to include a species of the case and a species of the tray in the election of species. The applicant has elected the case species as shown in Figs. 1, 2, 4 and 5 and the tray species of Figs. 15 and 16.

Election is made with traverse. It is submitted that for an election of species or restriction requirement to be proper the inventions must be independent and distinct and there must be a serious burden on the Examiner if restriction is required, MPEP § 803. It is submitted that in the present application the burden on the Examiner to examine the non-elected inventions is minimal. It is believed that the searches for the non-elected inventions will be virtually the same as for the elected inventions and the examination of the case may be completed without serious burden. This is especially true for the different species of trays. Reconsideration of the restriction requirement and election of species is requested.

Respectfully submitted,

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